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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1357/2007**

Date of Decision : 14th December, 2007

GUNNAR STEFAN MOLLER Petitioner
Through Mr. Sidharth Luthra, Sr. Advocate with
Mr. Amit Bansal, Ms. Anjali Verma, Mr. Neeraj Gupta
Ms. Manisha Singh, Mr. Anurag, Advocates.
versus

UOI & ORS. Respondent
Through Mr. P.P. Malhotra, ASG with
Mr. Satish Aggarwala, Advocate for UOI.
Mr. S. Rizwan, Advocate for Embassy of Iceland.

CORAM:

HON'BLE MR. JUSTICE MUKUL MUDGAL

HON'BLE MS. JUSTICE REVA KHETRAPAL

1. Whether the Reporters of local papers may be allowed
to see the judgment? Yes
2. To be referred to the Reporter or not? Yes
Whether the judgment should be reported in the Digest? Yes

% **JUDGEMENT**

14-12-2007

MUKUL MUDGAL, J (ORAL)

Pursuant to the last order of 11th December, 2007, the learned ASG has produced the communication received by him from the Government of India, dated 13th December, 2007 pursuant to the note of the Government of United States of America dated 7th December, 2007.

The said communications read as follows:-

“MINISTRY OF EXTERNAL AFFAIRS
CPV DIVISION, EXTRADITION SECTION

WP(CRL) 1357/07

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Signature Not Verified

Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

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PATIALA HOUSE ANNEXE, TILAK MARG,
NEW DELHI 110 001
Telefax no. 23070486

T 413/93/2007

December 13, 2007

Shri Satish Aggarawal,
Advocate & Sr. Special Public Prosecutor,
226-227, Patiala House,
New Delhi 110 001

Sir,

This has reference to this Ministry's earlier correspondence regarding Stephen Wathne (a/k/a Gunnar Stefan Moller).

2. The Government of India i.e. Ministry of External Affairs received a request for provisional arrest for the purpose of extradition of above-named person, from the Embassy of the United States of America, New Delhi vide their Note Verbale dated 25th September, 2007.

3. The United States, Department of Justice has submitted a request for extradition request through their Embassy in New Delhi vide diplomatic Note Verbale No. 07-857/CONS dated November 14, 2007 in respect of Stefan Wathne aka Gunnar Stefan Moller, issued under the signature of the US Secretary of State Condoleezza Rice.

4. The United States Grand Jury, District Court of Northern California has charged Stefan Wathne with the offence conspiracy to commit money laundering.

5. On 7th December, 2007 the Competent Authority approved the appointment of the Additional Chief Magistrate, Patiala House Courts, New Delhi as an Extradition/Inquiry Magistrate under section 5 of the

6. Meanwhile, the Ministry of External Affairs has received another Note Verbale No. 07-918/CONS dated December 7, 2007 (copy enclosed) from the US Embassy in New Delhi, stating that the United States desires to withdraw its extradition request in respect of Stefan Wathne (a/k/a Gunnar Stefan Moller), accordingly, the Competent Authority has exceeded the request of the US authorities.

7. In view of the explained above, it is requested to inform accordingly to the Hon'ble Delhi High Court and the Hon'ble Court of Additional Chief Metropolitan Magistrate, Patiala House Courts, New Delhi.

Yours faithfully,

(D.K. Ghosh)

Deputy Passport Officer (Extradition)"

"No. 07-918/CONS

The Embassy of the United States of America presents its Compliments to the Ministry of External Affairs. With reference to Embassy note number 07-712/CONS dated September 25, 2007, in which the United States requested the provisional arrest for purposes of extradition of Stefan Wathne (a/k/a Gunnar Stefan Moller), the United States wishes to inform the Ministry that the Embassy desires to withdraw its extradition request. Mr. Wathne has indicated to United States Government officials that he will travel voluntarily to the United States to face the charges against him and termination of the extradition proceeding will hasten this action.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

Embassy of the United States of America,

New Delhi, December 7, 2007."

In this writ petition, the petitioner had sought to challenge his detention pursuant to the Note Verbale issued by the Government of United States of America which was sought to be enforced by the Government of India.

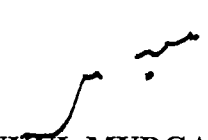
The communications extracted above show that the extradition request has been withdrawn by the Government of United States of America. Accordingly, the extradition proceedings under Section 5 of the Indian Extradition Act, pending in the Court of the learned ACMM, Patiala House Courts have become infructuous. Since the petitioner's extradition request has been withdrawn by the Government of United States of America and the extradition proceedings have now become infructuous pursuant to the letter dated 13th December, 2007 issued by the Ministry of External Affairs and the letter dated 7th December, 2007 of the Government of United States of America, we are satisfied that no further orders are called for in the present writ petition owing to the withdrawal of the extradition request by the U.S. Government. The bail bond of the petitioner and the surety bonds accordingly stand cancelled. The police/ACMM shall release forthwith the petitioner's passport and any other article deposited pursuant to the extradition proceedings before the learned ACMM. The passport of the petitioner's mother, Thorunn Wathne shall

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also be released forthwith. All undertakings given to this Court shall stand vacated. The sum of US\$ 75000 deposited by the petitioner shall be returned to the petitioner by the Registry of this Court to the petitioner through counsel. (2)

Since the petitioner's visa has expired during the pendency of these proceedings, as and when the petitioner moves an application for extension of his visa, it will be disposed of expeditiously in accordance with law.

The writ petition stands disposed of accordingly.


MUKUL MUDGAL, J


REVA KHETRAPAL, J

DECEMBER 14, 2007

kkb

- Fresh crl. 14.1. 22/08. (No directions)